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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/767,003 | 01/22/2001 | Jai-Yong Lee | A33889 | 1515 |
| 21003 | 7590 | 05/06/2004 | EXAMINER | |
| BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | WAHBA, ANDREW W | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2661 | 4 |

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|----------------------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/767,003 | LEE ET AL. | |
| | Examiner Andrew W Wahba | Art Unit 2661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 January 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) 8 and 10 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 1 and 6, the applicant employs the term "link-oriented" (claim 1, line 10 and claim 6, line 3). The specification describes the determination of a service option that may be "link-oriented" (page 4, lines 20-23). The specification, however, does not define the term "link-oriented". Thus, it is not clear what is intended to be covered by "link oriented."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Manning et al (6,519,266). With regard to claim 1, Manning et al describes the function of the MAC layer in a CDMA communication system in which there are many users and

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many services (service option) (column 7, lines 21-23). Manning et al discloses a Ccontrol state 302 which proceeds to the Dcontrol state 306 when the service is assigned (allocated) a DCCH (DCCH) (column 7, lines 47-49). Manning et al further discloses that in the event that service is assigned, a DTCH (DTCH) channel is received (column 7, lines 53-56).

With regard to claim 2, Manning et al describes a Ccontrol state 302 (suspended state) which proceeds to the Dcontrol state 306 when the service (service option) is assigned (allocated) a DCCH (DCCH) (column 7, lines 47-49).

With regard to claim 3, it is inherent that a base station (BS) allocates control channel (DCCH). Manning et al suggests that the base station allocated control channels because they are shared among many users and many services (column 7, lines 20-24).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4, 5, 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning et al. With regard to claim 4, Manning et al discloses a Ccontrol state 302 (suspended state) which proceeds to the Dcontrol state 306 (control hold state) when the service is assigned (allocated) a DCCH (DCCH) (column 7, lines

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47-49). Manning et al further discloses that in the event that service (service option) is assigned, a DTCH (DTCH) channel is received (allocated) (column 7, lines 53-56). Manning et al does not disclose a suspended state timer. Manning et al, however, does disclose that the Dcontrol state 306 (control hold state) may return to the Ccontrol state 302 (suspended state) after a time T_{hold} (timer) has expired (column 7, lines 49-51). A person of ordinary skill in the art would have been motivated to employ a suspended state timer to limit the time in the suspended state in which control channels are monitored. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention was made to modify Manning et al obtain the invention as described on claim 4.

With regard to claim 5, Manning et al further discloses that execution may proceed from the Ccontrol state 302 to the Dcontrol state 306 when service is assigned a DCCH channel. If a service is assigned, a DTCH (DTCH) is received while in Dcontrol state 306 and execution proceeds (transiting, line 4) to Dtraffic state 308 (active state/transmitting). Manning et al does not disclose a control state timer and an active state timer. Manning however does disclose that the Dcontrol state 306 may return (transiting, line 9) to the Ccontrol state 302 (control hold state) after a time T_{hold} has expire (column 7, lines 47-56). In this manner T_{hold} represents both the control state timer and an active state timer. A person of ordinary skill in the art would have been motivated to employ a control state timer and an active state timer to dictate the timing of each individual step. At the time the invention was made, therefore, it would have

been obvious to one of ordinary skill in the art to which the invention was made to modify Manning et al to obtain the invention as described on claim 5.

With regard to claim 7, control channels are monitored in the Ccontrol state 302 (suspended state) (column 7, line 20-22).

With regard to claim 9, control channels are monitored in the Ccontrol state 302 (suspended state) (column 7, line 20-22).

Allowable Subject Matter

7. Claims 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (703) 305-4684. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Wahba

April 29, 2004

AW

Chau T. Nguyen

CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600